

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2010-095796

08/01/2011

HON. JOHN R. DITSWORTH

CLERK OF THE COURT  
M. Brady  
Deputy

CASA LOS CERROS HOMEOWNERS  
ASSOCIATION

JASON N MILLER

v.

DAN R WILSON, et al.

DAN R WILSON  
P O BOX 1331  
HUNTINGTON NY 11743-0730

DESERT SCHOOLS FEDERAL CREDIT  
UNION  
NO ADDRESS ON RECORD

MINUTE ENTRY

Courtroom 203 – SEA

9:31 a.m. This is the time set for oral argument on Plaintiff's Motion for Summary Judgment. Counsel, Jason Miller, appears in person on behalf of Plaintiff. Defendant, Dan Wilson, appears in person on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

As to Plaintiff's Motion to Continue Case on the Inactive Calendar,

**IT IS ORDERED** granting the motion and continuing this case on the inactive calendar until December 1, 2011.

SUPERIOR COURT OF ARIZONA  
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FILED: Order

Argument is heard on the Motion for Summary Judgment.

**IT IS ORDERED** taking this matter under advisement.

9:52 a.m. Hearing concludes.

**LATER:**

Plaintiff's Summary Judgment Ruling

The Court has reviewed the Motion for Summary Judgment, the Response and Reply and listened to the arguments of counsel and Defendant.

With respect to the Defendant's Motion for Summary Judgment, and pursuant to ARCP Rule 56, the Court believes that issues of material fact are not in dispute and that the moving party is entitled to a judgment as a matter of law. See ARCP Rule 56.

The Court further finds that this is a circumstance where summary judgment is appropriate. See e.g. Orme School v. Reeves, 166 Ariz. 301, 802 P.2d 1000 (1990).

For the reasons submitted by the Plaintiff in the briefs and oral arguments, the Motion for Summary Judgment is ***granted***.

Pursuant to A.R.S. § 12-341, the Plaintiff is also awarded their attorneys fees and costs and they are ordered to submit an application for attorney's fees and costs.

The attorney for the plaintiff shall file a formal order for the Court's signature.

**NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.**

ALERT: eFiling through AZTurboCourt.gov is mandatory in civil cases for attorney-filed documents effective May 1, 2011. See Arizona Supreme Court Administrative Orders 2010-117 and 2011-010. The Court may impose sanctions against counsel to ensure compliance with this requirement after May 1, 2011.